

DATE: 7-20-04BY: [Signature] UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS.

THE MD MANAGEMENT CO., LLC,)
Petitioner,)
ADRIAN LEPEDEANU,)
Beneficiary,)
MARIANA LEPEDEANU,)
Dependent, Spouse,)
R.L.,)
Dependent, Child,)
Plaintiffs,)
v.)
U.S. DEPARTMENT OF HOMELAND)
SECURITY, CITIZENSHIP AND)
IMMIGRATION SERVICES,)
Defendant.)

Civil Action No. 04-10499-RWZ

DEFENDANT'S MOTION FOR SUMMARY JUDGMENT

Pursuant to Fed. R. Civ. P. 56, Defendant, the Department of Homeland Security ("DHS"), hereby moves for summary judgment. As set forth more fully in the Memorandum of Law filed herewith, the Court lacks jurisdiction over this matter pursuant to 8 U.S.C. §1252. Moreover, even if this Court does have jurisdiction over the discretionary determination by DHS to revoke Mr. Lepedeanu's nonimmigrant worker petition, that decision should not be disturbed because it was not arbitrary and capricious.

WHEREFORE, Defendant requests that this Court allow its motion for summary judgment.


Respectfully submitted,

UNITED STATES DEPARTMENT OF
HOMELAND SECURITY

By its attorney,

MICHAEL J. SULLIVAN
United States Attorney

By:

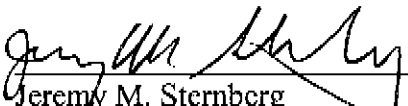


Jeremy M. Sternberg
Assistant U.S. Attorney
U. S. Attorney's Office
J. Joseph Moakley United States Courthouse
1 Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3142

Certificate of Service

I certify that I caused a copy of this pleading to be sent by US Mail to Maureen O'Sullivan, Kaplan, O'Sullivan & Friedman, 10 Winthrop Sq., Boston, MA 02110.

7/19/04



Jeremy M. Sternberg
Assistant U.S. Attorney